

Docket No.: 5000-0128PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bernd MULLER et al.

Application No.: NEW

Confirmation No.: N/A

Filed: July 1, 2005

Art Unit: N/A

For: PYRIMIDINES, METHODS FOR THE
PRODUCTION THEREOF, AND USE
THEREOF

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A copy of each reference on the PTO/SB/08 is attached.

Those documents which are marked with a double asterisk (**) next to the Cite No. in the attached form PTO/SB/08 (facsimile) are not supplied because they were previously cited by or submitted to the Office in a prior application number PCT/EP2004/000708, filed January 28, 2004.

Application No.:

EP-A2-0 407 899 corresponds to US-A-5,250,530 and BE-A-864 399 corresponds to DW-47820, thereby satisfying the relevancy requirements.

A concise explanation of relevance of the remaining non-English items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: July 1, 2005

Respectfully submitted,

By Scott L. Lowe

Scott L. Lowe

Registration No.: 41,458

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/541386	
			Filing Date	July 1, 2005	
			First Named Inventor	Bernd MULLER	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
			Attorney Docket Number	5000-0128PUS1	
Sheet	1	of	2		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	4,873,248-A	10-10-1989	Katoh et al.	
	AB	5,250,530-A	10-05-1993	Giencke et al.	
	AC	6,096,753-A	08-01-2000	Spohr et al.	
	AD	6,410,729-B1	06-25-2002	Spohr et al.	
	AE	6,420,385-B1	07-16-2002	Spohr et al.	
	AF	6,562,817-B1	05-13-2003	Tanimoto et al.	
	AG	6,632,821-B2	10-14-2003	Pees et al.	
	AH	2003/0069425-A1	04-10-2003	Spohr et al.	
	AI	2003/0073704-A1	04-17-2003	Spohr et al.	
	AJ	2004/0116429-A1	06-17-2004	Grote et al.	
	AK	2004/0147744-A1	07-29-2004	Pees et al.	
	AL	2003/195221-A1	10-16-2003	Cai et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	BA**	WO-2004/029204-A	04-08-2004		
	BB**	WO-03/044021-A	05-30-2003		
	BC**	EP-1 052 238-A	11-15-2000		
	BD**	WO-98/24782-A	06-11-1998		
	BE**	DE-39 37 284-A	05-16-1991		
	BF**	EP-0 293 743-A	12-07-1988		
	BG**	EU-0 270 362-A	06-08-1988		
	BH**	WO-02/074753-A	09-26-2002		
	BI	CA-2,068,328-A1	05-10-1991		
	BJ	EP-0 407 899-A2	01-16-1991		
	BK	BE-864 399-A	06-16-1978		
	BL	WO-01/96314-A1	12-20-2001		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	CA**	Brown et al., Database Caplus 'Online!', Chemical Abstracts Service, Columbus, Ohio, retrieved from STN Database Accession No. 1971-75908, CAS RN: 31464-54-7.		
	CB**	Journal of the Chemical Society, Section C: Organic, Vol. 2, pages 250-256 Coden: JSOAX; ISSN: 0022-4952, 1971.		
	CC	Derwent Publications Ltd., 47820; Abstract of BE-A-864399; ANDU, 25 March 1977.		

Examiner Signature	Date Considered
--------------------	-----------------

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/541386
				Filing Date	July 1, 2005
				First Named Inventor	Bernd MULLER
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	5000-0128PUS1
Sheet	2	of	2		

	CD	Derwent Publications Ltd., 88-347449; Abstract of EP-A-0 293 743; BADI; 3 June 1987.	
--	----	--	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--